



For release: April 21, 2005

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BLM Will Recover Costs and Streamline Operations for Right-of-Way Program

The Bureau of Land Management (BLM) will publish a final rule in tomorrow's Federal Register that revises the process the BLM will use in issuing right-of-way grants. The new rule also allows for automatic readjustment of the cost-recovery fees to account for cost increases that have taken place since the previous regulations became effective in August 1987.

Each year, thousands of individuals and companies apply to the BLM to obtain a right-of-way (ROW) on public land for uses such as roads, pipelines, transmission lines, and communication sites. The new policies modernize and streamline the ROW program, commit the agency to better service for ROW customers, and reaffirm the agency's commitment to protecting public health, safety and the environment.

"This rule protects the interests of American taxpayers, who have a right to expect that our agency will recover a fair share of processing and monitoring costs through fees, which for this program, have not changed in 17 years," said BLM Director Kathleen Clarke.

Under the final rule, fee levels will change each year to reflect changes in the cost of living. The rule also:

- establishes a customer service standard for processing applications;
- establishes a "Master Agreement" cost recovery category, which allows the BLM and an applicant to negotiate the fees involved with processing multiple uses within a specific geographic area;
- sets the charges for processing applications for ROW grant renewals, amendments and assignments;
- allows ROW holders to pay rent for longer terms, including the full term of the grant;
- clarifies those eligible for rent reductions, exemptions or waivers and establishes a fee for late rental payments;
- allows the BLM to issue easements;
- increases the strict liability cap from \$1 million to \$2 million to account for the increase in economic indicators since the cap first went into effect. The rule will also allow automatic increases in the cap that account for future increases in the Consumer Price Index (CPI); and
- adds provisions, currently covered by BLM internal guidance, on the release, discharge or storage of hazardous materials on ROW grants.

The rule affects Federal agencies, State and local governments, and individuals and groups that have or are interested in obtaining a right-of-way across BLM-managed lands. Currently, the BLM oversees

89,000 right-of-way grants across the country. The rule and related materials may be viewed online at <http://www.doi.gov/issues/rightsofway.html>.

The BLM, an agency of the U.S. Department of the Interior, manages more land—261 million surface acres—than any other Federal agency. Most of this public land is located in 12 Western States, including Alaska. The Bureau, with a budget of about \$1.9 billion, also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on the public lands.

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